

Affirmation of Jason Habinsky

Exhibit

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP FEI, on behalf of himself and classes
of those similarly situated,

Plaintiff,

v.

WESTLB AG,

Defendant.

Index No.: 07 Civ. 8785 (HB) (FM)

**AFFIDAVIT OF
ALAN HALPERIN**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Alan Halperin, being duly sworn, deposes and says:

1. I am the Head of Product Control at WestLB AG ("WestLB"), New York.
2. This affidavit is provided in opposition to Plaintiff's Motion for Conditional Certification and Court-Authorized Notice Pursuant to Section 216(b) of the FLSA.
3. I supervised Sean Killoran while he was employed by WestLB.
4. Mr. Killoran began his employment with WestLB on or about October 23, 2006 as a Product Controller in the Finance Department. Mr. Killoran only worked for approximately five weeks, and resigned effective December 1, 2006
5. Mr. Killoran was hired in part because of his B.S in Finance and his extensive derivatives product experience in the banking industry, including at RBS Greenwich Capital Markets Inc, Barclays Capital and J.P. Morgan Chase & Co.
6. Mr. Killoran received an annual salary of \$100,000.


7. Mr. Killoran's position required someone with experience in the banking industry, as well as a degree in finance or accounting.

8. Mr. Killoran's duties were complex and he worked under minimal supervision. His responsibilities included daily P&L production for Flow Interest Rate Derivatives businesses; daily risk, attribution reporting for Interest Rate Derivative businesses; and supporting daily curve pricing for relevant markets. In order to fulfill these responsibilities, Mr. Killoran was required to use his discretion and best judgment to analyze financial data and data fields, including in databases such as SUMMIT, and gauge certain financial factors, such as market movement, interest rates and risk factors in order to perform appropriate calculations. This was a complicated process given that the databases contain millions of pieces of data to locate, extrapolate and analyze, and the analysis varies day by day based upon factors such as market movement and risk factors. Mr. Killoran also was required to perform industry research in order to analyze and interpret this financial data.

9. Mr. Killoran also had the authority to review trader's books and determine whether their calculations, including with respect to valuations and rates, were correct. In the event that Mr. Killoran determined that such numbers were incorrect, he had the authority to order the traders to make corrections

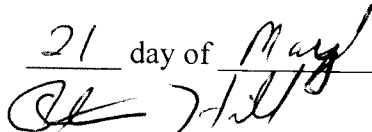
10. Had Mr. Killoran not left after only a few weeks, he would have participated in other projects that were included as part of his job responsibilities. For example, he would have been responsible for analytical projects such as analyzing Swap Curves, trades

and reserves. His job responsibilities also included reviewing and approving new product proposals, and supporting the implementation of new systems and processes.



ALAN HALPERIN

Sworn to before me this

21 day of May, 2008


Notary Public

PATRICIA HILL
Notary Public, State of New York
No. 01HI6037407
Qualified in Kings County
Commission Expires March 20, 2010